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Joint Submission of the Amended Plan       )  
Record for Operations Support                )  
Systems ("OSS")                                )       Docket 00-0592

**AMERITECH ILLINOIS' OPPOSITION TO COVAD AND AT&T'S  
MOTION TO FILE INSTANTER EVIDENCE OF AMERITECH'S "WAIVER"  
OF ITS CONFIDENTIALITY CLAIMS CONCERNING COVAD EX. 5.0**

During the course of rehearing in this docket, AT&T filed a motion seeking to compel public disclosure of Covad Exhibit 5.0, a copy of Ameritech Illinois' internal methods and procedures, which had been produced pursuant to a confidentiality agreement. The ALJs reviewed the document in the context of the record as a whole and denied AT&T's request. AT&T (joined by Covad) sought interlocutory review, and the Commission denied their petition. The ALJs made a final assessment of confidentiality when they rendered their proposed order on the merits, and again rejected the carriers' contentions. The ALJs' July 9 Notice of Ruling cogently explains why the document is confidential and refutes the carriers' claim that the document demonstrates discrimination.

On July 30, AT&T filed an additional motion seeking public disclosure of Covad Exhibit 5.0, based on its assertion that an Ameritech Illinois witness waived confidentiality by testifying about a different document in a different case (docket no. 00-0393). Covad joined that motion on July 31. But on August 9, the Commission entered its final order on rehearing in which it affirmed the ALJs' Proposed Order on the merits. Ordering Paragraph 8 states that "all documents, testimonies and other matters which


have been designated as confidential, shall so remain and be treated as such.” Further, Ordering Paragraph 9 states that “any motions, objections or petitions in this proceeding that have not specifically been ruled on should be disposed of in a manner consistent with the findings and conclusions herein.” Thus, the Commission has already sustained the confidentiality of the challenged document and has disposed of the AT&T/Covad motion.

In light of the Commission’s order, we will not burden the parties, the ALJs, or the Commission with a point-by-point response to the AT&T/Covad motion. For the record, however, we do wish to state our disagreement with AT&T’s contention that “Ameritech has now waived whatever claim it previously made concerning the confidentiality of Covad Cross Exhibit 5.0 or any of its methods and procedures for processing CLEC DSL manual loop requests.” Plainly, no such thing occurred. In fact, Covad Exhibit 5.0 was not even part of the record in 00-0393. The document that is in the record in 00-0393 is a revised M&P, and as with Covad Exhibit 5.0 it was clearly labeled confidential.

AT&T and Covad were parties to that proceeding. But neither they nor any carrier challenged its confidentiality at the time. Nor did any carrier file a motion to compel disclosure. No carrier made the claim of discrimination that AT&T and Covad raised here. Nor did any carrier seek to compel disclosure of the original, erroneous M&P that is at issue here. Instead, AT&T’s claim is based solely on the fact that, at the hearing in 00-0393, a different carrier (Rhythms) asked an Ameritech witness who did not appear in the present proceeding questions about the revised M&P. The witness was addressing a different document, in a different docket and context, and on its face, the transcript shows that the witness merely agreed that his understanding of the “PMO

process" "can be open" (understandable, given the limited discussion that he gave of that process). The witness did not waive confidentiality as to the specific detailed procedures or as to the written documentation of those procedures in the M&P.<sup>1</sup> Certainly the witness did not waive confidentiality as to Covad Exhibit 5.0; in fact, he did not even have that document in front of him.

Thus, to the extent AT&T seeks to renew its claim of "waiver" Ameritech Illinois reserves the right to respond in full at the appropriate time.

  
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<sup>1</sup> This is entirely consistent with what the ALJs observed in this docket: namely, that witnesses gave general descriptions of processes on the public record, but as the ALJs recognized, the specifics of those processes, and the written "recipe," remained confidential.

**CERTIFICATE OF SERVICE**

I, Demetrios G. Metropoulos, an attorney, hereby certify that I caused a copy of the foregoing to be served via electronic mail or facsimile to the Hearing Examiners and all Counsel of Record on the attached Service List on this 13<sup>th</sup> day of August, 2001.

Demetrios Metropoulos  
Demetrios G. Metropoulos